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11 Retail, LLC; Polo Ralph Lauren Corporation, doing business in
California as Polo Retail Corporation; and Fashions Outlet of
America, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

15 ANN OTSUKA, an individual; JANIS
16 KEEFE, an individual; CORINNE PHIPPS,
17 an individual; and JUSTIN KISER, an
individual; and on behalf of all other similarly
situated.

Case No. C07-02780 SI

**DEFENDANT POLO RETAIL, LLC'S
RESPONSES TO PLAINTIFFS' REQUEST
FOR ADMISSIONS AND
INTERROGATORIES (SET TWO)**

18 Plaintiff(s),

19 | v.

20 POLO RALPH LAUREN CORPORATION,
a Delaware Corporation; et al.,

Defendant(s).

23 AND RELATED CROSS-ACTION.

PROPOUNDING PARTY: PLAINTIFFS KEEFE, DAVIS and PHIPPS

RESPONDING PARTY: DEFENDANT POLO RETAIL, LLC

SET NO: TWO (2)

PRELIMINARY STATEMENT

Defendant Polo Retail, LLC (“Polo” or “Defendant”), pursuant to Rules 33 and 36 of the Federal Rules of Civil Procedure, hereby serves its responses and objections to Plaintiffs Janis Keefe, Corinne Phipps and Renee Davis’ (“Plaintiffs”) Requests for Admissions & Interrogatories (Set Two) (“Requests”). Discovery and preparation with respect to this litigation is ongoing and not complete at this time. Accordingly, the information contained in these responses is based upon the facts and information currently known or believed by Defendant, and Defendant reserves the right to supplement its responses as additional facts are discovered.

9 Polo further reserves the right to rely upon and to present as evidence at trial such additional
10 information as may be discovered and/or developed by Polo and its attorneys throughout the course
11 of this litigation.

GENERAL OBJECTIONS

13 1. Each response given to the Requests and any documents identified therein is subject to
14 all objections including, but not limited to, privilege, relevancy, authenticity, and admissibility which
15 would require exclusion of the evidence if it were offered in Court, all of which objections and
16 grounds are hereby reserved.

17 2. Defendant objects to each of the Requests to the extent they seek information or
18 documents which are not relevant to the subject matter of the pending action or reasonably calculated
19 to lead to the discovery of admissible evidence.

20 3. Defendant objects to each of the Requests to the extent they are overly broad, unduly
21 burdensome, vague, ambiguous or call for a legal conclusion.

22 4. Defendant objects to each of the Requests to the extent they seek information or
23 documents regarding or containing information about persons or entities other than the parties to the
24 pending action for the reason that such documents or information are not relevant to the subject
25 matter of the pending action or reasonably calculated to lead to the discovery of admissible evidence.

26 5. Defendant objects to each of the Requests to the extent they seek documents, tangible
27 things or information which have been prepared in anticipation of litigation or for trial, or are
28 otherwise subject to protection pursuant to the work-product doctrine.

1 6. Defendant objects to each of the Requests to the extent they seek documents or
2 information subject to protection under the attorney-client privilege or any other applicable privilege.

3 7. Defendant objects to each of the Requests to the extent they are unreasonably
4 cumulative or duplicative, or that the information or documents requested therein are obtainable from
5 some other source that is more convenient, less burdensome, or less expensive.

6 8. Defendant objects to each of the Requests to the extent that the burden or expense of
7 responding to such Request outweighs the benefit of such Request.

8 9. Defendant objects to each of the Requests to the extent that the Request seeks
9 information or documents which contain trade secrets or other proprietary, confidential research,
10 development or commercial information.

11 10. Defendant objects to each of the Definitions and Instructions contained in the
12 Requests to the extent they are overly broad and unduly burdensome.

13 11. The fact that Defendant has provided a factual response or identified a document is not
14 an admission that the fact or document is admissible in evidence and is not to be construed as a
15 waiver of an objection which may hereafter be interposed to the admissibility of such fact or
16 document as evidence in this case.

17 12. Defendant is continuing its investigation and analyses of the facts and law related to
18 this case and has not yet concluded its investigation, discovery and preparation for trial. Therefore,
19 these Responses are given without prejudice to Defendant's right to produce or use any subsequently
20 discovered facts or writings or to add to, modify or otherwise change or amend the Responses herein.
21 These Responses are based on writings and information currently available to Defendant. The
22 information is true and correct to the best of Defendant's knowledge, as of this date, and is subject to
23 correction, and supplementation for any inadvertent errors, mistakes, or omissions.

24 13. Defendant objects to each and every request for admission to the extent it violates the
25 constitutional, statutory or common law rights to privacy of any person or entity including the
26 members of the purported "CLASS."

27 14. This Preliminary Statement and all general objections are hereby incorporated into the
28 following response:

1 **RESPONSES TO REQUESTS FOR ADMISSION & INTERROGATORIES**

2 **REQUEST 1**

3 Admit that, during the CLASS PERIOD, you have required that all EMPLOYEES submit to
4 SEARCHES.

5 **RESPONSE TO REQUEST 1**

6 Polo specifically objects on the grounds that this request is vague and ambiguous as to the
7 phrase "you have required that all EMPLOYEES submit" and that it is overbroad. Polo further
8 specifically objects on the ground this request is argumentative. Subject to the foregoing general and
9 specific objections, Polo admits the request to the extent it refers to employee loss prevention
10 inspections.

11 **INTERROGATORY 1**

12 If your response to Request 1 is anything other than an unqualified admission, state all facts
13 on which your response is based.

14 **RESPONSE TO INTERROGATORY 1**

15 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
16 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
17 already answered at least three hundred and twenty three (323) interrogatories propounded by
18 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
19 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
20 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
21 confer as necessary.

22 **INTERROGATORY 2**

23 If your response to Request 1 is anything other than an unqualified admission, IDENTIFY
24 each EMPLOYEE whom YOU did not require to submit to SEARCHES.

25 **RESPONSE TO INTERROGATORY 2**

26 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
27 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
28 already answered at least three hundred and twenty three (323) interrogatories propounded by

1 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
2 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
3 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
4 confer as necessary.

5 **INTERROGATORY 3**

6 If your response to Request 1 is anything other than an unqualified admission, IDENTIFY
7 each person with knowledge supportive of your response.

8 **RESPONSE TO INTERROGATORY 3**

9 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
10 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
11 already answered at least three hundred and twenty three (323) interrogatories propounded by
12 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
13 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
14 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
15 confer as necessary.

16 **INTERROGATORY 4**

17 If your response to Request 1 is anything other than an unqualified admission, SPECIFY each
18 DOCUMENT supporting your response.

19 **RESPONSE TO INTERROGATORY 4**

20 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
21 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
22 already answered at least three hundred and twenty three (323) interrogatories propounded by
23 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
24 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
25 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
26 confer as necessary.

27

28

REQUEST 2

Admit that all CLASS MEMBERS have experienced at least some WAITING TIME for which you did not compensate them.

RESPONSE TO REQUEST 2

Polo specifically objects to the request on the grounds that it is argumentative, is not relevant to any claim or defense and is not likely to lead to any admissible evidence, and on the grounds that it is vague and ambiguous as to the phrase "have experienced at least some WAIT TIME". Subject to and without waiving the foregoing general and specific objections, Polo denies the request.

INTERROGATORY 5

If your response to Request 2 is anything other than an unqualified admission, state all facts on which your response is based.

RESPONSE TO INTERROGATORY 5

Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has already answered at least three hundred and twenty three (323) interrogatories propounded by Plaintiffs in this action, including when this action was venued in San Francisco Superior Court. Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and confer as necessary.

INTERROGATORY 6

If your response to Request 2 is anything other than an unqualified admission, IDENTIFY each CLASS MEMBER who did not experience any unpaid WAITING TIME.

RESPONSE TO INTERROGATORY 6

Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has already answered at least three hundred and twenty three (323) interrogatories propounded by Plaintiffs in this action, including when this action was venued in San Francisco Superior Court. Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly

1 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
2 confer as necessary.

3 **INTERROGATORY 7**

4 If your response to Request 2 is anything other than an unqualified admission, IDENTIFY
5 each person with knowledge supportive of your response.

6 **RESPONSE TO INTERROGATORY 7**

7 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
8 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
9 already answered at least three hundred and twenty three (323) interrogatories propounded by
10 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
11 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
12 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
13 confer as necessary.

14 **INTERROGATORY 8**

15 If your response to Request 2 is anything other than an unqualified admission, SPECIFY each
16 DOCUMENT supporting your response.

17 **RESPONSE TO INTERROGATORY 8**

18 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
19 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
20 already answered at least three hundred and twenty three (323) interrogatories propounded by
21 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
22 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
23 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
24 confer as necessary.

25 **INTERROGATORY 9**

26 Explain in detail why you have not compensated CLASS MEMBERS for WAITING TIME.

1 **RESPONSE TO INTERROGATORY 9**

2 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
 3 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
 4 already answered at least three hundred and twenty three (323) interrogatories propounded by
 5 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
 6 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
 7 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
 8 confer as necessary.

9 **REQUEST 3**

10 Admit that you have not RECORDED CLASS MEMBERS' WAITING TIME.

11 **RESPONSE TO REQUEST 3**

12 Polo specifically objects to the request on the grounds that it is argumentative, is not relevant
 13 to any claim or defense and is not likely to lead to any admissible evidence, and on the grounds that it
 14 is vague, ambiguous and unintelligible as to the phrase "RECORDED CLASS MEMBERS'
 15 WAITING TIME". Based on the foregoing, Defendant lacks sufficient information to respond to this
 16 request and on that basis Defendant denies the request.

17 **INTERROGATORY 10**

18 If your response to Request 3 is anything other than an unqualified admission, state all facts
 19 on which your response is based.

20 **RESPONSE TO INTERROGATORY 10**

21 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
 22 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
 23 already answered at least three hundred and twenty three (323) interrogatories propounded by
 24 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
 25 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
 26 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
 27 confer as necessary.

INTERROGATORY 11

If your response to Request 3 is anything other than an unqualified admission, IDENTIFY each person with knowledge supportive of your response.

RESPONSE TO INTERROGATORY 11

Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has already answered at least three hundred and twenty three (323) interrogatories propounded by Plaintiffs in this action, including when this action was venued in San Francisco Superior Court. Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and confer as necessary.

INTERROGATORY 12

If your response to Request 3 is anything other than an unqualified admission, SPECIFY each DOCUMENT supporting your response.

RESPONSE TO INTERROGATORY 12

Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has already answered at least three hundred and twenty three (323) interrogatories propounded by Plaintiffs in this action, including when this action was venued in San Francisco Superior Court. Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and confer as necessary.

INTERROGATORY 13

If your response to Request 3 is anything other than an unqualified admission, IDENTIFY each CLASS MEMBER whose WAITING TIME you have RECORDED.

RESPONSE TO INTERROGATORY 13

Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has

1 already answered at least three hundred and twenty three (323) interrogatories propounded by
 2 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
 3 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
 4 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
 5 confer as necessary.

6 **INTERROGATORY 14**

7 Describe in detail all steps taken on a state-wide basis in California to ensure that YOUR
 8 EMPLOYEES' WAITING TIME has been RECORDED.

9 **RESPONSE TO INTERROGATORY 14**

10 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
 11 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
 12 already answered at least three hundred and twenty three (323) interrogatories propounded by
 13 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
 14 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
 15 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
 16 confer as necessary.

17 **REQUEST 4**

18 Admit that each CLASS MEMBER averaged 5 or more minutes per day of unpaid WAITING
 19 TIME over the course of his or her tenure with you during the CLASS PERIOD.

20 **RESPONSE TO REQUEST 4**

21 Polo specifically objects to the request on the grounds that it is argumentative, and on the
 22 grounds that it is vague and ambiguous. Subject to and without waiving the foregoing general and
 23 specific objections, Polo denies the request.

24 **INTERROGATORY 15**

25 If your response to Request 4 is anything other than an unqualified admission, state all facts
 26 on which your response is based.

27

28

1 **RESPONSE TO INTERROGATORY 15**

2 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
 3 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
 4 already answered at least three hundred and twenty three (323) interrogatories propounded by
 5 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
 6 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
 7 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
 8 confer as necessary.

9 **INTERROGATORY 16**

10 If your response to Request 4 is anything other than an unqualified admission, IDENTIFY
 11 each CLASS MEMBER who did not average 5 or more minutes per day of unpaid WAITING TIME
 12 over the course of his or her tenure with you during the CLASS PERIOD.

13 **RESPONSE TO INTERROGATORY 16**

14 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
 15 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
 16 already answered at least three hundred and twenty three (323) interrogatories propounded by
 17 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
 18 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
 19 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
 20 confer as necessary.

21 **INTERROGATORY 17**

22 If your response to Request 4 is anything other than an unqualified admission, IDENTIFY
 23 each person with knowledge supportive of your response.

24 **RESPONSE TO INTERROGATORY 17**

25 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
 26 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
 27 already answered at least three hundred and twenty three (323) interrogatories propounded by
 28 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.

1 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
 2 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
 3 confer as necessary.

4 **INTERROGATORY 18**

5 If your response to Request 4 is anything other than an unqualified admission, SPECIFY each
 6 DOCUMENT supporting your response.

7 **RESPONSE TO INTERROGATORY 18**

8 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
 9 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
 10 already answered at least three hundred and twenty three (323) interrogatories propounded by
 11 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
 12 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
 13 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
 14 confer as necessary.

15 **REQUEST 5**

16 Admit that each CLASS MEMBER averaged 2 or more minutes per day of unpaid WAITING
 17 TIME over the course of his or her tenure with you during the CLASS PERIOD.

18 **RESPONSE TO REQUEST 5**

19 Polo specifically objects to the request on the grounds that it is vague, ambiguous and
 20 unintelligible as to the phrase "over the course of his or her tenure with you". Subject to and without
 21 waiving the foregoing general and specific objections, Polo denies the request.

22 **INTERROGATORY 19**

23 If your response to Request 5 is anything other than an unqualified admission, state all facts
 24 on which your response is based.

25 **RESPONSE TO INTERROGATORY 19**

26 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
 27 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
 28 already answered at least three hundred and twenty three (323) interrogatories propounded by

1 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
2 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
3 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
4 confer as necessary.

5 **INTERROGATORY 20**

6 If your response to Request 5 is anything other than an unqualified admission, IDENTIFY
7 each CLASS MEMBER who did not average 2 or more minutes per day of unpaid WAITING TIME
8 over the course of his or her tenure with you during the CLASS PERIOD.

9 **RESPONSE TO INTERROGATORY 20**

10 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
11 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
12 already answered at least three hundred and twenty three (323) interrogatories propounded by
13 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
14 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
15 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
16 confer as necessary.

17 **INTERROGATORY 21**

18 If your response to Request 5 is anything other than an unqualified admission, IDENTIFY
19 each person with knowledge supportive of your response.

20 **RESPONSE TO INTERROGATORY 21**

21 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
22 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
23 already answered at least three hundred and twenty three (323) interrogatories propounded by
24 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
25 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
26 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
27 confer as necessary.

28

INTERROGATORY 22

If your response to Request 5 is anything other than an unqualified admission, SPECIFY each DOCUMENT supporting your response.

RESPONSE TO INTERROGATORY 22

Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has already answered at least three hundred and twenty three (323) interrogatories propounded by Plaintiffs in this action, including when this action was venued in San Francisco Superior Court. Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and confer as necessary.

INTERROGATORY 23

State the total amount of all CLASS MEMBERS' unpaid WAITING TIME for the entire CLASS PERIOD.

RESPONSE TO INTERROGATORY 23

Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has already answered at least three hundred and twenty three (323) interrogatories propounded by Plaintiffs in this action, including when this action was venued in San Francisco Superior Court. Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and confer as necessary.

INTERROGATORY 24

Describe in detail all how you calculated your response to the prior interrogatory, including all assumptions you relied upon.

RESPONSE TO INTERROGATORY 24

Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has

1 already answered at least three hundred and twenty three (323) interrogatories propounded by
 2 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
 3 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
 4 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
 5 confer as necessary.

6 **INTERROGATORY 25**

7 For each of the years 2002-2008, state the average daily amount of unpaid WAITING TIME
 8 experienced by your EMPLOYEES.

9 **RESPONSE TO INTERROGATORY 25**

10 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
 11 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
 12 already answered at least three hundred and twenty three (323) interrogatories propounded by
 13 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
 14 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
 15 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
 16 confer as necessary.

17 **INTERROGATORY 26**

18 Describe in detail all how you calculated your response to the prior interrogatory, including
 19 all assumptions you relied upon.

20 **RESPONSE TO INTERROGATORY 26**

21 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
 22 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
 23 already answered at least three hundred and twenty three (323) interrogatories propounded by
 24 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
 25 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
 26 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
 27 confer as necessary.

INTERROGATORY 27

IDENTIFY each of your EXECUTIVES during the CLASS PERIOD whose responsibilities included determining whether EMPLOYEES in California were being paid for WAITING TIME.

RESPONSE TO INTERROGATORY 27

Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has already answered at least three hundred and twenty three (323) interrogatories propounded by Plaintiffs in this action, including when this action was venued in San Francisco Superior Court. Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and confer as necessary.

REQUEST 6

Admit that none of your EXECUTIVES took any measures during the CLASS PERIOD to determine whether EMPLOYEES in California were being paid for WAITING TIME.

RESPONSE TO REQUEST 6

Polo specifically objects to the request on the grounds that it is argumentative, is not relevant to any claim or defense and is not likely to lead to any admissible evidence, and on the grounds that it is vague and ambiguous as to the phrase "took any measure ... to determine...." Subject to and without waiving the foregoing general and specific objections, Polo denies the request.

INTERROGATORY 28

If your response to Request 6 is anything other than an unqualified admission, describe in detail all facts on which your response is based.

RESPONSE TO INTERROGATORY 28

Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has already answered at least three hundred and twenty three (323) interrogatories propounded by Plaintiffs in this action, including when this action was venued in San Francisco Superior Court. Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly

1 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
 2 confer as necessary.

3 **INTERROGATORY 29**

4 If your response to Request 6 is anything other than an unqualified admission, SPECIFY all
 5 DOCUMENTS supporting your response.

6 **RESPONSE TO INTERROGATORY 29**

7 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
 8 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
 9 already answered at least three hundred and twenty three (323) interrogatories propounded by
 10 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
 11 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
 12 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
 13 confer as necessary.

14 **INTERROGATORY 30**

15 If your response to Request 6 is anything other than an unqualified admission, IDENTIFY the
 16 EXECUTIVES who took measures to determine whether CLASS MEMBERS were being paid for
 17 WAITING TIME.

18 **RESPONSE TO INTERROGATORY 30**

19 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
 20 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
 21 already answered at least three hundred and twenty three (323) interrogatories propounded by
 22 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
 23 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
 24 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
 25 confer as necessary.

26 **INTERROGATORY 31**

27 Describe in detail all measures the EXECUTIVES you identified in response to the preceding
 28 interrogatory took to assess whether EMPLOYEES in CALIFORNIA were being paid for WAITING

1 TIME.

2 **RESPONSE TO INTERROGATORY 31**

3 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
 4 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
 5 already answered at least three hundred and twenty three (323) interrogatories propounded by
 6 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
 7 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
 8 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
 9 confer as necessary.

10 **INTERROGATORY 32**

11 IDENTIFY each of your EXECUTIVES during the CLASS PERIOD whose responsibilities
 12 included ensuring that EMPLOYEES in California were being paid for WAITING TIME.

13 **RESPONSE TO INTERROGATORY 32**

14 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
 15 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
 16 already answered at least three hundred and twenty three (323) interrogatories propounded by
 17 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
 18 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
 19 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
 20 confer as necessary.

21 **REQUEST 7**

22 Admit that none of your EXECUTIVES took any measures to ensure EMPLOYEES were
 23 being paid for WAITING TIME.

24 **RESPONSE TO REQUEST 7**

25 Polo specifically objects to the request on the grounds that it is argumentative, is not relevant
 26 to any claim or defense and is not likely to lead to any admissible evidence, and on the grounds that it
 27 is vague and ambiguous as to the phrase "took any measure ... to ensure...." Subject to and without
 28 waiving the foregoing general and specific objections, Polo denies the request.

INTERROGATORY 33

If your response to Request 7 is anything other than an unqualified admission, describe in detail all facts on which your response is based.

RESPONSE TO INTERROGATORY 33

Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has already answered at least three hundred and twenty three (323) interrogatories propounded by Plaintiffs in this action, including when this action was venued in San Francisco Superior Court. Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and confer as necessary.

INTERROGATORY 34

If your response to Request 7 is anything other than an unqualified admission, SPECIFY all DOCUMENTS supporting your response.

RESPONSE TO INTERROGATORY 34

Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has already answered at least three hundred and twenty three (323) interrogatories propounded by Plaintiffs in this action, including when this action was venued in San Francisco Superior Court. Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and confer as necessary.

INTERROGATORY 35

If your response to Request 7 is anything other than an unqualified admission, IDENTIFY the EXECUTIVES who took measures to ensure EMPLOYEES were being paid for WAITING TIME.

RESPONSE TO INTERROGATORY 35

Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has

1 already answered at least three hundred and twenty three (323) interrogatories propounded by
 2 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
 3 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
 4 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
 5 confer as necessary.

6 **INTERROGATORY 36**

7 Describe in detail all measures the EXECUTIVES you identified in response to the preceding
 8 interrogatory took to ensure EMPLOYEES in California were being paid for WAITING TIME.

9 **RESPONSE TO INTERROGATORY 36**

10 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
 11 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
 12 already answered at least three hundred and twenty three (323) interrogatories propounded by
 13 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
 14 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
 15 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
 16 confer as necessary.

17 **REQUEST 8**

18 Admit that you not paying EMPLOYEES for WAITING TIME was “willful” within the
 19 meaning of California Labor Code §203.

20 **RESPONSE TO REQUEST 8**

21 Polo specifically objects to the request on the grounds that it is argumentative, it is vague and
 22 ambiguous and unintelligible as to the phrase “you not paying EMPLOYEES ... was ‘willful’”. Polo
 23 further specifically objects on the grounds that the request calls for a legal conclusion. Subject to and
 24 without waiving the foregoing general and specific objections, Polo denies the request.

25 **INTERROGATORY 37**

26 If your response to Request 8 is anything other than an unqualified admission, state all facts
 27 on which your response is based.

1 **RESPONSE TO INTERROGATORY 37**

2 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
 3 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
 4 already answered at least three hundred and twenty three (323) interrogatories propounded by
 5 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
 6 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
 7 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
 8 confer as necessary.

9 **INTERROGATORY 38**

10 If your response to Request 8 is anything other than an unqualified admission, IDENTIFY
 11 each person with knowledge supportive of your response.

12 **RESPONSE TO INTERROGATORY 38**

13 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
 14 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
 15 already answered at least three hundred and twenty three (323) interrogatories propounded by
 16 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
 17 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
 18 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
 19 confer as necessary.

20 **INTERROGATORY 39**

21 If your response to Request 8 is anything other than an unqualified admission, SPECIFY each
 22 DOCUMENT supporting your response.

23 **RESPONSE TO INTERROGATORY 39**

24 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
 25 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
 26 already answered at least three hundred and twenty three (323) interrogatories propounded by
 27 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
 28 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly

1 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
 2 confer as necessary.

3 **REQUEST 9**

4 Admit that, because you have not RECORDED CLASS MEMBERS' WAITING TIME,
 5 YOU have failed to maintain accurate records as required by IWC Wage Order 7-2001, §7.

6 **RESPONSE TO REQUEST 9**

7 Polo specifically objects to the request on the grounds that it is vague and ambiguous as to the
 8 phrase "maintain accurate records". Polo further specifically objects on the grounds that the request
 9 calls for a legal conclusion. Subject to and without waiving the foregoing general and specific
 10 objections, Polo denies the request.

11 **INTERROGATORY 40**

12 If your response to Request 9 is anything other than an unqualified admission, state all facts
 13 on which your response is based.

14 **RESPONSE TO INTERROGATORY 40**

15 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
 16 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
 17 already answered at least three hundred and twenty three (323) interrogatories propounded by
 18 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
 19 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
 20 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
 21 confer as necessary.

22 **INTERROGATORY 41**

23 If your response to Request 9 is anything other than an unqualified admission, IDENTIFY
 24 each person with knowledge supportive of your response.

25 **RESPONSE TO INTERROGATORY 41**

26 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
 27 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
 28 already answered at least three hundred and twenty three (323) interrogatories propounded by

1 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
 2 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
 3 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
 4 confer as necessary.

5 **INTERROGATORY 42**

6 If your response to Request 9 is anything other than an unqualified admission, SPECIFY each
 7 DOCUMENT supporting your response.

8 **RESPONSE TO INTERROGATORY 42**

9 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
 10 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
 11 already answered at least three hundred and twenty three (323) interrogatories propounded by
 12 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
 13 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
 14 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
 15 confer as necessary.

16 **REQUEST 10**

17 Admit that, during the CLASS PERIOD, managers in your California stores have been
 18 instructed to minimize labor costs.

19 **RESPONSE TO REQUEST 10**

20 Polo specifically objects to the request on the grounds that it is argumentative, it is vague and
 21 ambiguous and unintelligible as to the phrase "instructed to minimize labor costs". Based on the
 22 foregoing, Defendant lacks sufficient information to respond to this request and on that basis
 23 Defendant denies the request.

24 **INTERROGATORY 43**

25 If your response to Request 10 is anything other than an unqualified admission, state all facts
 26 on which your response is based.

27

28

1 **RESPONSE TO INTERROGATORY 43**

2 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
 3 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
 4 already answered at least three hundred and twenty three (323) interrogatories propounded by
 5 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
 6 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
 7 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
 8 confer as necessary.

9 **INTERROGATORY 44**

10 If your response to Request 10 is anything other than an unqualified admission, IDENTIFY
 11 each person with knowledge supportive of your response.

12 **RESPONSE TO INTERROGATORY 44**

13 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
 14 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
 15 already answered at least three hundred and twenty three (323) interrogatories propounded by
 16 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
 17 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
 18 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
 19 confer as necessary.

20 **INTERROGATORY 45**

21 If your response to Request 10 is anything other than an unqualified admission, SPECIFY
 22 each DOCUMENT supporting your response.

23 **RESPONSE TO INTERROGATORY 45**

24 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
 25 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
 26 already answered at least three hundred and twenty three (323) interrogatories propounded by
 27 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
 28 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly

1 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
 2 confer as necessary.

3 **REQUEST 11**

4 Admit that during the CLASS PERIOD you have offered managers in your California stores
 5 incentives linked to labor costs.

6 **RESPONSE TO REQUEST 11**

7 Polo specifically objects to the request on the grounds that it is argumentative, is not relevant
 8 to any claim or defense and is not likely to lead to any admissible evidence, and on the grounds that it
 9 is vague and ambiguous as to the phrase "incentives linked to labor costs". Subject to and without
 10 waiving the foregoing general and specific objections, Polo denies the request.

11 **INTERROGATORY 46**

12 If your response to Request 11 is anything other than an unqualified admission, state all facts
 13 on which your response is based.

14 **RESPONSE TO INTERROGATORY 46**

15 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
 16 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
 17 already answered at least three hundred and twenty three (323) interrogatories propounded by
 18 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
 19 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
 20 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
 21 confer as necessary.

22 **INTERROGATORY 47**

23 If your response to Request 11 is anything other than an unqualified admission, SPECIFY
 24 each DOCUMENT supporting your response.

25 **RESPONSE TO INTERROGATORY 47**

26 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
 27 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
 28 already answered at least three hundred and twenty three (323) interrogatories propounded by

1 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
 2 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
 3 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
 4 confer as necessary.

5 **INTERROGATORY 48**

6 If your response to Request 11 is anything other than an unqualified admission, IDENTIFY
 7 each person with knowledge supportive of your response.

8 **RESPONSE TO INTERROGATORY 48**

9 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
 10 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
 11 already answered at least three hundred and twenty three (323) interrogatories propounded by
 12 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
 13 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
 14 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
 15 confer as necessary.

16 **REQUEST 12**

17 Admit that, during May 30, 2002 through the present, all EMPLOYEES were subject to
 18 discipline if they left a store following a shift without first undergoing a SEARCH.

19 **RESPONSE TO REQUEST 12**

20 Polo specifically objects to the request on the grounds that it is not relevant to any claim or
 21 defense and is not likely to lead to any admissible evidence, and on the grounds that it is vague and
 22 ambiguous as to the phrase "discipline". Subject to and without waiving the foregoing general and
 23 specific objections, and to the extent that Polo understands the request, Polo admits the request.

24 **INTERROGATORY 49**

25 If your response to Request 12 is anything other than an unqualified admission, state all facts
 26 on which your response is based.

1 **RESPONSE TO INTERROGATORY 49**

2 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
 3 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
 4 already answered at least three hundred and twenty three (323) interrogatories propounded by
 5 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
 6 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
 7 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
 8 confer as necessary.

9 **REQUEST 13**

10 Admit that CLASS MEMBERS' WAITING TIME was not "de minimis" within the meaning
 11 of Lindow v. United States, 738 F.2d 1057, 1061-62.

12 **RESPONSE TO REQUEST 13**

13 Polo specifically objects to the request on the grounds that it is argumentative, and on the
 14 grounds that it is vague and ambiguous as to the phrase "de minimis". Polo further specifically
 15 objects on the grounds that the request calls for a legal conclusion. Based on the foregoing,
 16 Defendant lacks sufficient information to respond to this request and on that basis Defendant denies
 17 the request.

18 **INTERROGATORY 50**

19 If your response to Request 13 is anything other than an unqualified admission, state all facts
 20 on which your response is based.

21 **RESPONSE TO INTERROGATORY 50**

22 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
 23 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
 24 already answered at least three hundred and twenty three (323) interrogatories propounded by
 25 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
 26 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
 27 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
 28 confer as necessary.

1 **INTERROGATORY 51**

2 If your response to Request 13 is anything other than an unqualified admission, SPECIFY
 3 each DOCUMENT supporting your response.

4 **RESPONSE TO INTERROGATORY 51**

5 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
 6 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
 7 already answered at least three hundred and twenty three (323) interrogatories propounded by
 8 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
 9 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
 10 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
 11 confer as necessary.

12 **REQUEST 14**

13 Admit YOU have taken no measures to minimize EMPLOYEES' WAITING TIME.

14 **RESPONSE TO REQUEST 14**

15 Polo specifically objects to the request on the grounds that it is argumentative, is not relevant
 16 to any claim or defense and is not likely to lead to any admissible evidence, and on the grounds that it
 17 is vague and ambiguous as to the phrase "taken no measures to minimize". Subject to and without
 18 waiving the foregoing general and specific objections, Defendant denies the request.

19 **INTERROGATORY 52**

20 If your response to Request 14 is anything other than an unqualified admission, state all facts
 21 on which your response is based.

22 **RESPONSE TO INTERROGATORY 52**

23 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
 24 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
 25 already answered at least three hundred and twenty three (323) interrogatories propounded by
 26 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
 27 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
 28 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and

1 confer as necessary.

2 **INTERROGATORY 53**

3 If your response to Request 14 is anything other than an unqualified admission, SPECIFY
4 each DOCUMENT supporting your response.

5 **RESPONSE TO INTERROGATORY 53**

6 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
7 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
8 already answered at least three hundred and twenty three (323) interrogatories propounded by
9 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
10 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
11 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
12 confer as necessary.

13 **INTERROGATORY 54**

14 If your response to Request 14 is anything other than an unqualified admission, IDENTIFY
15 each person with knowledge supportive of your response.

16 **RESPONSE TO INTERROGATORY 54**

17 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
18 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
19 already answered at least three hundred and twenty three (323) interrogatories propounded by
20 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
21 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
22 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
23 confer as necessary.

24 **REQUEST 15**

25 Admit that, during the CLASS PERIOD, each CLASS MEMBER has missed at least one of
26 the REST BREAKS to which IWC Wage Order 7-2001, §12 entitled him or her.

27

28

1 **RESPONSE TO REQUEST 15**

2 Polo specifically objects to the request on the grounds that it is not relevant to any claim or
 3 defense and is not likely to lead to any admissible evidence, and on the grounds that it is vague and
 4 ambiguous as to the phrase "has missed at least one of the ...". Defendant further specifically
 5 objects on the grounds that the request seeks a legal conclusion. Subject to and without waiving the
 6 foregoing general and specific objections, and to the extent that Polo understands the request, Polo
 7 denies the request.

8 **INTERROGATORY 55**

9 If your response to Request 15 is anything other than an unqualified admission, state all facts
 10 on which your response is based.

11 **RESPONSE TO INTERROGATORY 55**

12 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
 13 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
 14 already answered at least three hundred and twenty three (323) interrogatories propounded by
 15 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
 16 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
 17 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
 18 confer as necessary.

19 **INTERROGATORY 56**

20 If your response to Request 15 is anything other than an unqualified admission, SPECIFY
 21 each DOCUMENT supporting your response.

22 **RESPONSE TO INTERROGATORY 56**

23 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
 24 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
 25 already answered at least three hundred and twenty three (323) interrogatories propounded by
 26 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
 27 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
 28 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and

1 confer as necessary.

2 **INTERROGATORY 57**

3 If your response to Request 15 is anything other than an unqualified admission, IDENTIFY
4 each person with knowledge supportive of your response.

5 **RESPONSE TO INTERROGATORY 57**

6 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
7 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
8 already answered at least three hundred and twenty three (323) interrogatories propounded by
9 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
10 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
11 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
12 confer as necessary.

13 **INTERROGATORY 58**

14 If your response to Request 15 is anything other than an unqualified admission, IDENTIFY
15 each of the CLASS MEMBERS who did not miss at least one of the REST BREAKS to which IWC
16 Wage Order 7-2001, §12 entitled him or her.

17 **RESPONSE TO INTERROGATORY 58**

18 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
19 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
20 already answered at least three hundred and twenty three (323) interrogatories propounded by
21 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
22 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
23 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
24 confer as necessary.

25 **INTERROGATORY 59**

26 Based on all information reasonably available to you and your agents, give your best estimate
27 of the total number of REST BREAKS missed by CLASS MEMBERS during the CLASS PERIOD.
28

1 **RESPONSE TO INTERROGATORY 59**

2 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
 3 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
 4 already answered at least three hundred and twenty three (323) interrogatories propounded by
 5 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
 6 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
 7 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
 8 confer as necessary.

9 **REQUEST 16**

10 Admit that each CLASS MEMBER missed at least one REST BREAK during the CLASS
 11 PERIOD because you “fail[ed] to provide” him or her with a REST BREAK within the meaning of
 12 IWC Wage Order 7-2001, §12.

13 **RESPONSE TO REQUEST 16**

14 Polo specifically objects to the request on the grounds that it is vague and ambiguous as to the
 15 phrase “fail[ed] to provide” and on the grounds that the request seeks a legal conclusion. Subject to
 16 and without waiving the foregoing general and specific objections, and to the extent that Polo
 17 understands the request, Polo denies the request.

18 **INTERROGATORY 60**

19 If your response to Request 16 is anything other than an unqualified admission, state all facts
 20 on which your response is based.

21 **RESPONSE TO INTERROGATORY 60**

22 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
 23 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
 24 already answered at least three hundred and twenty three (323) interrogatories propounded by
 25 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
 26 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
 27 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
 28 confer as necessary.

1 **INTERROGATORY 61**

2 If your response to Request 16 is anything other than an unqualified admission, SPECIFY
 3 each DOCUMENT supporting your response.

4 **RESPONSE TO INTERROGATORY 61**

5 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
 6 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
 7 already answered at least three hundred and twenty three (323) interrogatories propounded by
 8 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
 9 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
 10 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
 11 confer as necessary.

12 **INTERROGATORY 62**

13 If your response to Request 16 is anything other than an unqualified admission, IDENTIFY
 14 each person with knowledge supportive of your response.

15 **RESPONSE TO INTERROGATORY 62**

16 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
 17 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
 18 already answered at least three hundred and twenty three (323) interrogatories propounded by
 19 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
 20 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
 21 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
 22 confer as necessary.

23 **INTERROGATORY 63**

24 If your response to Request 16 is anything other than an unqualified admission, IDENTIFY
 25 each CLASS MEMBER who did not miss at least one REST BREAK during the CLASS PERIOD
 26 because you “fail[ed] to provide” it within the meaning of IWC Wage Order 7-2001, §12.

1 **RESPONSE TO INTERROGATORY 63**

2 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
3 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
4 already answered at least three hundred and twenty three (323) interrogatories propounded by
5 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
6 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
7 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
8 confer as necessary.

9 **INTERROGATORY 64**

10 Based on all information reasonably available to you and your agents, give your best estimate
11 of the total number of REST BREAKS missed by CLASS MEMBERS during the CLASS PERIOD
12 because you “fail[ed] to provide” them within the meaning of IWC Wage Order 7-2001, §12.

13 **RESPONSE TO INTERROGATORY 64**

14 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
15 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
16 already answered at least three hundred and twenty three (323) interrogatories propounded by
17 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
18 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
19 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
20 confer as necessary.

21 **INTERROGATORY 65**

22 Describe in detail how you calculated your response to the prior interrogatory, including all
23 information and assumptions relied upon.

24 **RESPONSE TO INTERROGATORY 65**

25 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
26 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
27 already answered at least three hundred and twenty three (323) interrogatories propounded by
28 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.

1 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
 2 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
 3 confer as necessary.

4 **REQUEST 17**

5 Admit that YOU took no measures to distinguish between REST BREAKS missed by
 6 EMPLOYEES during the CLASS PERIOD because they waived them and those missed because
 7 YOU “fail[ed] to provide” them within the meaning of IWC Wage Order 7-2001, §12.

8 **RESPONSE TO REQUEST 17**

9 Polo specifically objects to the request on the grounds that it is vague and ambiguous and
 10 unintelligible as to the phrase “took no measures to distinguish” and “because they waived them and
 11 those missed because YOU ‘fail[ed] to provide’ them”. Defendant further specifically objects on the
 12 grounds that the request seeks a legal conclusion. Based on the foregoing, Defendant lacks sufficient
 13 information to respond to this request and on that basis Defendant denies this request.

14 **INTERROGATORY 66**

15 If your response to Request 17 is anything other than an unqualified admission, state all facts
 16 on which your response is based.

17 **RESPONSE TO INTERROGATORY 66**

18 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
 19 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
 20 already answered at least three hundred and twenty three (323) interrogatories propounded by
 21 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
 22 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
 23 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
 24 confer as necessary.

25 **INTERROGATORY 67**

26 If your response to Request 17 is anything other than an unqualified admission, SPECIFY
 27 each DOCUMENT supporting your response.

28

1 **RESPONSE TO INTERROGATORY 67**

2 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
 3 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
 4 already answered at least three hundred and twenty three (323) interrogatories propounded by
 5 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
 6 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
 7 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
 8 confer as necessary.

9 **INTERROGATORY 68**

10 If your response to Request 17 is anything other than an unqualified admission, IDENTIFY
 11 each person with knowledge supportive of your response.

12 **RESPONSE TO INTERROGATORY 68**

13 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
 14 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
 15 already answered at least three hundred and twenty three (323) interrogatories propounded by
 16 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
 17 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
 18 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
 19 confer as necessary.

20 **INTERROGATORY 69**

21 Describe in detail what means were used during the CLASS PERIOD for determining
 22 whether EMPLOYEES were waiving their rights to take REST BREAKS.

23 **RESPONSE TO INTERROGATORY 69**

24 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
 25 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
 26 already answered at least three hundred and twenty three (323) interrogatories propounded by
 27 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
 28 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly

1 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
 2 confer as necessary.

3 **REQUEST 18**

4 Admit that during the CLASS PERIOD you never have paid EMPLOYEES the “one (1) hour
 5 of pay at the employee’s regular rate of compensation for each workday that [a] rest period [was] not
 6 provided” pursuant to IWC Wage Order 7-2001, §12(b).

7 **RESPONSE TO REQUEST 18**

8 Polo specifically objects to the request on the grounds that it is vague and ambiguous.
 9 Defendant specifically objects on the grounds that the request seeks a legal conclusion. Polo further
 10 specifically objects that this request presumes that rest breaks were not provided or otherwise made
 11 available as required under the law. Based on the foregoing, Defendant denies the request.

12 **INTERROGATORY 70**

13 If your response to Request 18 is anything other than an unqualified admission, state all facts
 14 on which your response is based.

15 **RESPONSE TO INTERROGATORY 70**

16 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
 17 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
 18 already answered at least three hundred and twenty three (323) interrogatories propounded by
 19 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
 20 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
 21 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
 22 confer as necessary.

23 **INTERROGATORY 71**

24 If your response to Request 18 is anything other than an unqualified admission, SPECIFY
 25 each DOCUMENT supporting your response.

26 **RESPONSE TO INTERROGATORY 71**

27 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
 28 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has

1 already answered at least three hundred and twenty three (323) interrogatories propounded by
 2 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
 3 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
 4 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
 5 confer as necessary.

6 **INTERROGATORY 72**

7 If your response to Request 18 is anything other than an unqualified admission, IDENTIFY
 8 each EMPLOYEE to whom, during the CLASS PERIOD, you have paid the “one (1) hour of pay at
 9 the employee’s regular rate of compensation” pursuant to IWC Wage Order 7-2001, §12(b).

10 **RESPONSE TO INTERROGATORY 72**

11 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
 12 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
 13 already answered at least three hundred and twenty three (323) interrogatories propounded by
 14 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
 15 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
 16 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
 17 confer as necessary.

18 **REQUEST 19**

19 Admit that your EXECUTIVES took no measures to ensure that EMPLOYEES were being
 20 provided with the “net” 10-minute REST BREAKS required by IWC Wage Order 7-2001, §12,
 21 during the CLASS PERIOD.

22 **RESPONSE TO REQUEST 19**

23 Polo specifically objects to the request on the grounds that it is not relevant to any claim or
 24 defense and is not likely to lead to any admissible evidence, and on the grounds that it is vague and
 25 ambiguous as to the phrase “took no measures to ensure”. Defendant further specifically objects on
 26 the grounds that the request seeks a legal conclusion. Subject to and without waiving the foregoing
 27 general and specific objections, and to the extent that Polo understands the request, Polo denies the
 28 request.

INTERROGATORY 73

If your response to Request 19 is anything other than an unqualified admission, state all facts on which your response is based.

RESPONSE TO INTERROGATORY 73

Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has already answered at least three hundred and twenty three (323) interrogatories propounded by Plaintiffs in this action, including when this action was venued in San Francisco Superior Court. Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and confer as necessary.

INTERROGATORY 74

If your response to Request 19 is anything other than an unqualified admission, SPECIFY each DOCUMENT supporting your response.

RESPONSE TO INTERROGATORY 74

Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has already answered at least three hundred and twenty three (323) interrogatories propounded by Plaintiffs in this action, including when this action was venued in San Francisco Superior Court. Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and confer as necessary.

INTERROGATORY 75

If your response to Request 19 is anything other than an unqualified admission, IDENTIFY each person with knowledge supportive of your response.

RESPONSE TO INTERROGATORY 75

Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has

1 already answered at least three hundred and twenty three (323) interrogatories propounded by
 2 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
 3 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
 4 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
 5 confer as necessary.

6 **REQUEST 20**

7 Admit that during the CLASS PERIOD YOU never paid any EMPLOYEE “one (1) hour of
 8 pay at the employee’s regular rate of compensation” pursuant to IWC Wage Order 7-2001, §12(b),
 9 when a rest period with which YOU provided him or her was not the full “net” 10 minutes required
 10 by IWC Wage Order 7-2001, §12(a).

11 **RESPONSE TO REQUEST 20**

12 Polo specifically objects to the request on the grounds that it is not relevant to any claim or
 13 defense and is not likely to lead to any admissible evidence, and on the grounds that it is vague and
 14 ambiguous as to the phrase “the full ‘net’ 10 minutes required”. Polo specifically objects on the
 15 grounds that the request seeks a legal conclusion. Defendant further specifically objects that this
 16 request presumes that rest breaks were not provided for the full allowable amount of time under the
 17 law. Based on the foregoing, Defendant denies the request.

18 **INTERROGATORY 76**

19 If your response to Request 20 is anything other than an unqualified admission, state all facts
 20 on which your response is based.

21 **RESPONSE TO INTERROGATORY 76**

22 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
 23 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
 24 already answered at least three hundred and twenty three (323) interrogatories propounded by
 25 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
 26 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
 27 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
 28 confer as necessary.